

Title 10, Chapter 214, ENERGY EFFICIENCY BUILDING PERFORMANCE

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Chapter 214: ENERGY EFFICIENCY BUILDING PERFORMANCE STANDARDS

§1411. Title

This chapter shall be known as the "Energy Efficiency Building Performance Standards Act." [1979, c. 503, § 2 (new).]

§1412. Legislative findings and purpose

The Legislature finds and declares that it is in the public interest to reduce the consumption of energy in buildings. The intent of this chapter is to reduce energy consumption by conservation. The Legislature finds that, in order to avoid duplication and confusion, state agencies adopting energy conservation standards shall coordinate their various regulations to the extent practicable. [1985, c. 370, § 1 (amd).]

§1413. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1979, c. 503, §2 (new).]

1. ASHRAE. "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. [2003, c. 151, §1 (amd).]

1-A. ASHRAE Standard 62-2001. "ASHRAE Standard 62-2001" means Ventilation for Acceptable IAQ, ASHRAE Standard 62-2001, the standard for building ventilation adopted by ASHRAE in 2001. [2003, c. 151, §2 (new).]

1-B. ASHRAE Standard 90.1, 2001. "ASHRAE Standard 90.1, 2001" means Standard 90.1, 2001 Energy Standard for Buildings, IP Edition, the standard for energy conservation in new building design adopted by ASHRAE in 2001. [2003, c. 151, §2 (new).]

2. BTU. "BTU" means British Thermal Unit which is the amount of thermal energy required to raise one pound of water one degree Fahrenheit. [1979, c. 503, §2 (new).]

3. Change of use. "Change of use" means any alteration of the pattern of utilization of the building or change in purpose for which the building is used and which increases the total energy use of the building. [1979, c. 503, §2 (new).]

4. Commission. "Commission" means the Commission on Energy Efficiency Building Performance Standards. [1979, c. 503, §2 (new).]

5. Conditioned floor area. "Conditioned floor area" means the floor area within the building which is actively heated or cooled by a heating, ventilating or air conditioning system. [1979, c. 503, §2 (new).]

6. Conditioned space. "Conditioned space" means space within the building which is actively heated or cooled by a heating, ventilating or air conditioning system.

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[1979, c. 503, §2 (new).]

7. Commissioner. "Commissioner" means the Commissioner of Economic and Community Development.

[1989, c. 501, Pt. DD, §21 (amd).]

8. Gross floor area. "Gross floor area" means the total area of all floors within the conditioned space, including the floor area of heated basements, measured from exterior faces of exterior walls or the centerline of walls separating buildings. The floor areas of unconditioned spaces, such as unheated basements, garages and attics shall not be included in the gross floor area.

[1979, c. 503, §2 (new).]

9. Heat loss. "Heat loss" means the amount of heat transferred annually from the conditioned space to the outside or to an unconditioned space by means of conduction and infiltration as calculated by the method described in this chapter.

[1979, c. 503, §2 (new).]

9-A. Industrial building. "Industrial building" means a building and any addition to an existing building which houses an operation or integrated series of operations engaged in as a business or segment of a business which transforms or converts personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. The operation or operations are limited to those classified by the United States Department of Commerce with any standard industrial code of 20 through 39.

[1987, c. 818, §1 (new).]

10. Infiltration. "Infiltration" means the uncontrolled movement of air into and out of the conditioned space through cracks and interstices in the building envelope.

[1979, c. 503, §2 (new).]

11. Manual of Accepted Practices. "Manual of Accepted Practices" means the Manual of Accepted Practices prepared by the Department of Economic and Community Development in conformance with the mandatory standards for residential construction as defined in section 1415-C.

[1991, c. 824, Pt. A, §13 (amd).]

12. Commercial or institutional building. "Commercial or institutional building" means any building and any addition to an existing building which is not a residential or industrial building as defined herein.

[1987, c. 818, §2 (amd).]

13. Person. "Person" means any natural person, firm, partnership, association, corporation or governmental entity.

[1979, c. 503, §2 (new).]

13-A. Primary heating system. "Primary heating system" means a heating system with a rated maximum heat output that is greater than 50% of the design heating load of the building or the unit.

[1991, c. 275, §1 (new); §§4 and 5 (aff).]

14. Public building. "Public building" means any building or portion thereof having a gross floor area of 5,000 square feet or more, excluding buildings owned or leased by the Federal Government, where access by the general public is allowed.

[1979, c. 503, §2 (new).]

14-A. Remodeling. "Remodeling" means the addition to an existing building of new conditioned space that is heated electrically or the conversion of existing space from nonelectric heat to electric heat.

[1991, c. 275, §1 (new); §§4 and 5 (aff).]

15. Renovation. "Renovation" means the reconstruction, removal or replacement of any portion or element of an existing building that affects the heat loss or gain of the building, illumination of the building or the heating, ventilating or air conditioning system of the building when the total cost of the renovation exceeds 75% of the assessed value of the building, but does not include normal maintenance and repair.

[1991, c. 275, §2 (amd); §§4 and 5 (aff).]

16. Residential building. "Residential building" means a single-family or multifamily structure designed for year-round or winter seasonal use and additions to those buildings. Notwithstanding section 9042, subsection 3, this term includes modular homes as defined in Title 30-A, section 4358 that are installed in the State.

[1991, c. 246, §5 (amd).]

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§1414. Advisory Council on Energy Efficiency Building Performance Standards (REPEALED)

§1414-A. Adoption of energy performance building standards by state agencies

Energy performance building standards adopted by state agencies shall be coordinated with each other, as far as practicable, so that similar activities and buildings are treated in a similar way. The Commissioner of Economic and Community Development shall assist other state agencies in developing energy standards which comply with this section. [1989, c. 501, Pt. DD, §23 (amd).]

§1415. Energy efficiency standards (REPEALED)

§1415-A. Energy efficiency standards (REPEALED)

§1415-B. Mandatory standards for buildings (REPEALED)

§1415-C. Mandatory standards for residential construction

Except as provided in this section, any new conditioned space in a residential building constructed after January 1, 2004 must conform to the minimum prescriptive or performance standards established in this section. [2003, c. 151, §3 (amd).]

1. Prescriptive standard. The following prescriptive ceiling, wall, floor, foundation and window thermal standards are established.

A. Ceilings that face outdoor or unheated space must be insulated to R-38.

[1991, c. 246, §7 (amd).]

B. Walls that face outdoor or unheated space must be insulated to R-19.

[1991, c. 246, §7 (amd).]

C. Floors over unheated spaces must be insulated to R-19.

[1987, c. 818, §4 (new).]

D. Slab-on-grade floors must have perimeter insulation of either:

(1) R-10 when the insulation extends downward from the top of the slab to the design frost line; or

(2) R-10 when the insulation extends around the perimeter itself and horizontally or diagonally beneath or away from the slab for a distance equivalent to the depth of the frost line.

[1991, c. 246, §7 (amd).]

E. Foundation walls below grade enclosing heated spaces must be insulated from the top of the foundation to the frost line to R-10.

[1987, c. 818, §4 (new).]

F. All windows must have a minimum unit R-value of R-2.

[1991, c. 246, §7 (amd).]

[1991, c. 246, §7 (amd).]

1-A. Performance standards. By January 1, 1992, the Director of the Energy Conservation Division shall adopt rules establishing a performance-based compliance procedure for residential buildings. The Director of the Energy Conservation Division may not adopt a performance-based compliance procedure that imposes overall thermal performance requirements more stringent than those that would apply if the building were constructed in conformance with subsection 1.

[1991, c. 246, §8 (new).]

2. Exemption. Any person constructing:

A. A single-family residential building for use as that person's residence is exempt from this section. The conditions of this paragraph are satisfied by any person who supervises the construction of that person's single-family residence or who contracts with a general contractor to supervise the construction of the single-family residence; or

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[1987, c. 818, §4 (new).]

B. A log home is exempt from this section.

[1987, c. 818, §4 (new).]

[1987, c. 818, §4 (new).]

3. Multifamily structures. Effective January 1, 2004, in addition to conforming to the requirements of this section, any new construction or renovation of a conditioned space in any residential building of more than 2 dwelling units must conform to ASHRAE Standard 62-2001 and ASHRAE Standard 90.1, 2001.

[2003, c. 151, §4 (amd).]

4. Waiver. A waiver from subsection 3 may be granted by the commissioner on a case-by-case basis for instances of renovation as defined by section 1413, subsection 15. In regards to the renovation of historic buildings, a waiver is granted when the Executive Director of the State Historic Preservation Commission determines that adherence to the energy building standards would result in irreparable damage to the historic character of a building on the National Register of Historic Places, eligible for nomination to the national register or designated as a historic building by a certified municipal historic preservation ordinance. In other instances, such as the rebuilding of a structure damaged by fire or a historic preservation project when maintaining historic character is not an issue, the commissioner may grant a waiver when it can be shown that the additional cost of meeting the energy building standards would make the building renovation economically infeasible.

[1991, c. 824, Pt. A, §14 (amd).]

5. Waiver decision. The commissioner shall render a decision on an application for a waiver from the standards within 30 days of the receipt by the commissioner of a complete application for a waiver. In rendering a decision, the commissioner may place conditions upon the granting of a waiver. Failure on the part of the commissioner to render a decision within the 30-day period constitutes approval of the request for the waiver.

[1991, c. 824, Pt. A, §14 (amd).]

6. Waiver application. A request for a waiver under subsection 4 must be submitted to the Department of Economic and Community Development in writing and must contain the location of the renovation, the intended use of the building and the names of the owner, designer and contractor or builder. If applying for a waiver under the historic preservation provisions of subsection 4, information on the historic character of the building must be provided to the commissioner. If applying for a waiver under the economic hardship provisions of subsection 4, information on the economic infeasibility must be provided to the commissioner.

[1991, c. 824, Pt. A, §14 (amd).]

§1415-D. Mandatory standards for commercial and institutional construction

Except as provided in this section, new construction or substantial renovation of any commercial or institutional building undertaken after January 1, 2004 must conform to ASHRAE Standard 62-2001 and ASHRAE Standard 90.1-2001 under any of the compliance methods specified in the standards. For the purpose of this section, "substantial renovation" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation. [2003, c. 151, §5 (amd).]

1. Construction in anticipation of future sale or rental. Any person who constructs any commercial or institutional building after January 1, 1989 with the intent to sell or lease the building to another party whose energy requirements are unknown at the time of construction is subject to the following provisions.

A. The person constructing the building shall employ construction techniques and design features that permit the ready installation of energy efficient equipment and materials sufficient to meet the standards established under this section which are applicable to all reasonably foreseeable uses of the building.

[1987, c. 818, §4 (new).]

B. The person to whom the building is sold or leased is responsible for promptly installing the materials and equipment necessary for the building to conform with the standards established under this section.

[1987, c. 818, §4 (new).]

[1987, c. 818, §4 (new).]

§1415-E. Administration of standards

1. Administration. The Department of Economic and Community Development is responsible for the administration and enforcement of the standards established in this chapter. In administering these standards, the Department of Economic and Community Development shall:

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A. Work cooperatively with other state, regional and local agencies interested in or affected by these standards and may, by rules promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, distribute to regional planning councils funds made available for this purpose;

[1987, c. 818, §4 (new).]

B. Revise the Manual of Accepted Practices to incorporate these mandatory provisions and make this and other relevant publications available to the towns and cities of this State; and

[1987, c. 818, §4 (new).]

C. Collect data from municipalities and regional planning agencies on the energy construction characteristics of the residential units built after January 1, 1989 and include an analysis of that data in its biennial energy resources plan.

[1987, c. 818, §4 (new).]

[1991, c. 824, Pt. A, §15 (amd).]

§1415-F. Manual of Accepted Practices

The commissioner shall prepare a Manual of Accepted Practices that consists of building procedures and building materials to enable builders of one-family and 2-family structures to conform to the residential standards in section 1415-C. [1991, c. 824, Pt. C, §2 (amd).]

§1415-G. Electric heating systems; subsidized housing

1. Residential construction, remodeling and renovation. Except as provided in this section, during the construction, remodeling or renovation of a multifamily residential building, a person may not install electric space heating equipment as the primary heating system if that construction, remodeling or renovation is funded in whole or in part by public funds, guarantees or bond proceeds. For purposes of this section, "multifamily residential building" means a structure with more than one dwelling unit.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

2. Waiver. After written petition from a building owner, the commissioner shall grant a waiver from subsection 1 if the building design conforms to the residential standards set forth in subsection 3 or 4. A waiver granted by the commissioner under this subsection must be in writing and state the commissioner's reason for granting the waiver.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

3. Residential standards; electric heat. If the commissioner grants a waiver under subsection 2, the building owner shall renovate the building or construct a new building so that the entire building conforms to the minimum energy efficiency standards established in this section. If a waiver is granted under subsection 2 for a building to be remodeled or a building that receives an addition, only the remodeled portion of the building or the addition must conform to the following minimum energy efficiency standards.

A. All ceilings that face an outdoor or unheated space must be insulated to an R-value of 57 or greater.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

B. All walls that face an outdoor or unheated space must be insulated to an R-value of 38 or greater.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

C. All floors over unheated spaces must be insulated to an R-value of 25 or greater.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

D. Slab-on-grade floors must have perimeter insulation of either:

(1) R-15 when the insulation extends downward from the top of the slab to the design frost line; or

(2) R-15 when the insulation extends around the perimeter and horizontally or diagonally beneath or away from the slab for a distance equivalent to the depth of the frost line.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

E. All foundation walls adjacent to a heated space must be insulated from the top of the foundation to the frost line to an R-value of 19 or greater.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

F. All windows and glass in doors, when the glass in the door constitutes 1/3 or more of the door area, must have a total window unit R-value of 2.5 or greater.

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[1991, c. 275, §3 (new); §§4, 5 (aff).]

G. All exterior doors must be insulated or equipped with a storm door.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

H. All new construction and renovation must comply with infiltration and ventilation standards established by the commissioner.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

[1991, c. 275, §3 (new); §§4, 5 (aff).]

4. Performance-based compliance. Effective January 1, 1992, the commissioner may waive the requirements of subsection 3 for any building if the commissioner determines that the building's calculated annual energy consumption is not greater than the annual energy consumption of a similar building constructed in accordance with subsection 3.

The commissioner shall adopt rules that establish a performance-based compliance procedure for residential buildings before January 1, 1992.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

5. Violation. A building owner who violates this section or rules adopted under this section commits a civil violation for which a forfeiture of not less than \$100 nor more than 5% of the value of construction must be adjudged.

[1991, c. 275, §3 (new); §§4, 5 (aff).]

6. Notification. An agency, municipality or granting authority that provides a housing subsidy as described in this section must notify the Public Utilities Commission that the application complies with the residential energy requirements of this section. Notification must be in a form prescribed by rule by the commission.

[2003, c. 20, Pt. RR, §8 (amd); §18 (aff).]

§1415-H. Certification of compliance

The following provisions apply to new construction of a commercial or institutional building, other than a building constructed or owned by a local unit of government, undertaken after the effective date of this section. For purposes of this section, the term "local unit of government" has the same meaning as the term used in the Constitution of Maine, Article IX, Section 21 and any implementing legislation. [1993, c. 329, §1 (new).]

1. Certification. Before installing permanent service to a commercial or institutional building, a transmission and distribution utility, as defined in Title 35-A, section 102, shall obtain from the owner of the building or from the owner's legal agent, on a form provided by the utility, a signed certification that the building complies with the requirements of section 1415-D. A copy of the signed certification must be provided by the transmission and distribution utility to the Public Utilities Commission or a successor agency charged with administering energy building standards.

[2003, c. 20, Pt. RR, §9 (amd); §18 (aff).]

2. Form. The Commissioner of Economic and Community Development shall develop a model certification form to be used by transmission and distribution utilities under subsection 1.

[1999, c. 657, §4 (amd).]

3. Fee. A transmission and distribution utility may charge a reasonable fee to cover its costs of processing certificates under this section.

[1999, c. 657, §4 (amd).]

4. Penalties. A transmission and distribution utility that knowingly violates subsection 1 commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 must be adjudged. An owner of a building who falsely certifies that a building complies with the standards established under section 1415-D commits a civil violation for which a forfeiture of not less than \$100 and not more than 5% of the value of the construction must be adjudged.

[1999, c. 657, §4 (amd).]

§1416. Procedure (REPEALED)

§1417. Promulgation of rules (REPEALED)

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§1418. Municipal administration (REPEALED)

§1419. Disposition of fees (REPEALED)

§1420. Penalties

1. General.

[1989, c. 75, §10 (rp).]

2. Publicly funded buildings.

[1989, c. 75, c. 10 (rp).]

3. All other buildings. After January 1, 1989, it is unlawful for any person to construct any residential, commercial or institutional building in violation of section 1415-C or 1415-D. The owner of any building constructed in violation of this subsection is subject to a civil penalty not to exceed 5% of the value of the construction, payable to the State, to be recovered in a civil action.

[1987, c. 818, §5 (new).]